



Docket No. 003252-052911-#8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Noth et al.

Serial No.: 10/082,705

Group: 3738

Filed: February 25, 2002

Examiner: To be assigned

For: TRABECULAR BONE-DERIVED HUMAN MESENCHYMAL STEM CELLS

Assistant Commissioner for Patents  
Washington, D.C. 20231

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Date: 12/12/02

Melissa Kruggel  
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Sir:

INFORMATION DISCLOSURE STATEMENT

In accordance with the provisions of 37 C.F.R. §§1.56 and 1.97, Applicants hereby  
submit the publications and/or patents shown on the attached form PTO-1449, for  
consideration by the Examiner in connection with the examination of the above-identified  
patent application.

REMARKS

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed:

- X (1) within three (3) months of the Filing Date or **before the mailing date of the First Office Action** on the merits; or
- (2) within three months of the mailing date of the PCT International Search Report; or

- (3) after the period defined in (1) but before the mailing date of a **Final Rejection** or **Notice of Allowance**, and the requisite Certification or fee under Rule 1.17(p), namely **\$240.00**, is included herein; or
- (4) after the mailing date of a **Final Rejection** or **Notice of Allowance** but before the payment of the **Issue Fee**, and the requisite Certification, petition, and petition fee are included herein.

It is respectfully requested that each of the documents shown on the attached form(s) PTO-1449 be made of record in this application. Copies of these documents (CHECK ONE):

  X   are enclosed herewith; and


— have been cited in the parent application, and are thus not being resubmitted herein.

Early examination and allowance of the present application are respectfully solicited.

#### **FEE AUTHORIZATION**

Should any fees associated with the submission be required, the Commissioner is authorized to charge the missing fee to our Deposit Account No. 50-0850 or 14-1138. Any overpayments should be credited to said Deposit Account.

Respectfully submitted,

  
\_\_\_\_\_  
David S. Resnick (Reg. 34,235)  
NIXON PEABODY LLP  
101 Federal Street  
Boston, MA 02110  
(617) 345-6057

Date: 12/22/02

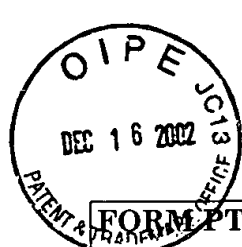


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<b>FORM PTO-1449</b>				DOCKET NO.: 052911		SERIAL NO.: 10/082,705	
<b>INFORMATION DISCLOSURE STATEMENT</b>				APPLICANT(S): Noth et al.			
				FILING DATE: 2/25/02		GROUP NO.: 3738	
<b>UNITED STATES PATENT DOCUMENTS</b>							
<b>EXAM. INITIALS</b>		<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>INVENTOR/ASSIGNE E</b>	<b>CLASS</b>	<b>SUBCLAS S</b>	<b>FILING DATE IF APPROPRIA TE</b>
	AA	5,197,985	3/30/93	Caplan et al.			
	AB	5,226,914	7/13/93	Caplan et al.			
	AC	6,214,369	4/10/01	Grande et al.			
	AD	5,486,359	1/23/96	Caplan et al.			
<b>FOREIGN PATENT DOCUMENTS</b>							
		<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>COUNTRY</b>	<b>CLASS</b>	<b>SUBCLAS S</b>	<b>TRANSLATI ON YES/NO</b>
							RECEIVED DEC 17 2002 IC 3700 MAIL ROOM
<b>OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)</b>							
	CA	Bahrami, S., Stratmann, U., Wiesmann, H.P., Mokrys, K., Bruckner, P., Szuwart, T., <i>Anat. Rec.</i> 259:124-130, 2000					
	CB	Beresford, J.N., Graves, S.E., Smoothy, C.A., <i>Am. J. Med. Genet.</i> 45:163-178, 1993					
	CC	Cheng, S.L., Zhang, S.F., Nelson, T.L., Warlow, P.M., Civitelli, R., <i>Calcif. Tissue Int.</i> 55:356-362, 1994					
	CD	Dorheim, M.A., Sullivan, M., Dandapani, V., Wu, X., Hudson, J., Segarini, P.R., Rosen, D.M., Aulthouse, A.L., Gimble, J.M., <i>J. Cell. Physiol.</i> 154:317-328, 1993					
	CE	Gundle, R., Joyner, C.J., Triffitt, J.T., <i>Bone</i> Vol. 16 (6), 597-601, 1995					



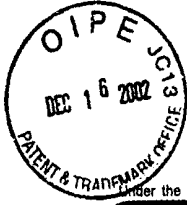
<b>FORM PTO-1449</b>		<b>DOCKET NO.:</b> 052911	<b>SERIAL NO.:</b> 10/082,705
<b>INFORMATION DISCLOSURE</b>		<b>APPLICANT(S):</b> Noth et al.	
<b>STATEMENT</b>		<b>FILING DATE:</b> 2/25/02	<b>GROUP NO.:</b> 3738
	CF	Gundle, R., Stewart, K., Screen, J., Beresford, J.N., <i>In: Marrow Stromal Cell Culture</i> , 43-66, 1998	
	CG	Jacenko, O., Tuan, R.S., <i>Dev. Biol.</i> 115:215-232, 1986	
	CH	Jacenko, O., Tuan, R.S., <i>Dev. Dyn.</i> 202:13-26, 1995	
	CI	Kale, S., Long, M.W., <i>Crit. Rev. Euk. Gene Exp.</i> 10:259-271, 2000	
	CJ	Lecka-Czernik, B., Gubrij, I., Moerman, E.J., Kajkenova, O., Lipschitz, D.A., Manolagas, S.C., Jilka, R.L., <i>J. Cell. Biochem.</i> 74:357-371, 1999	
	CK	Majolagbe, A., Robey, P.G., <i>Developmental Biology Protocols</i> Vol. 3, 391-397, 1999	
	CL	Mintz, K.P., Grzesik, W.J., Midura, R.J., Robey, P.G., Termine, J.D., Fisher, L.W., <i>J. Bone Miner. Res.</i> Vol. 8 (8), 985-995, 1993	
	CM	Nuttall, M.E., Patton A.J., Olivera, D.L., Nadeau, D.P., Gowen, M., <i>J Bone Miner Res</i> , 13:371-382, 1998	
	CN	Osyczka, A.M., Nöth, U., O'Connor, J., Danielson, K.G., Tuan, R.S., <i>Trans Orthop Res Soc</i> , 47:311, 2001	
	CO	Reddi, A.H., Cunningham, N.S., <i>J. Bone Miner. Res.</i> Vol. 8 (S2) S499-S502, 1993	
	CP	Robey, P.G., <i>Mineralization in Biological Systems</i> , pp 107-127., Ed by E Bonucci, Boca Raton, CRC Press, 1992	
	CQ	Robey, P.G., <i>Calcif. Tissue Int.</i> 56 (S1), S11-S12, 1995	
	CR	Stein, G.S., Lian, J.B., <i>Endocr. Rev.</i> Vol. 14 (4), 424-442, 1993	
	CS	Tontono, P., Hu, E., Graves, R.A., Budavari, A.I., Spiegelman, B.M., <i>Genes Dev.</i> 8 1224-1234, 1994	
	CT	Wurzler, K.K., DeWeese, T.L., Sebald, W., Reddi, A.H., <i>J. Craniofac. Surg.</i> Vol. 9 (2), 131-137, 1998	
	CU	Yoo, J.U., Barthel, T.S., Nishimura, K., Solchaga, L., Caplan, A.I., Goldberg, V.M., Johnstone, B., <i>J. Bone Joint Surg.</i> Vol. 80-A (12), 1745-1757, 1998	

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INFORMATION DISCLOSURE		APPLICANT(S): Noth et al.	
STATEMENT		FILING DATE: 2/25/02	GROUP NO.: 3738
	CV	Yoo, J.U., Johnstone, B., <i>Clin. Orthop.</i> 355(S), S73-S81, 1998	

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/082,705
	Filing Date	February, 25, 2002
	First Named Inventor	Noth et al.
	Group Art Unit	3738
	Examiner Name	To be assigned
Total Number of Pages in This Submission	Attorney Docket Number	003252-052911

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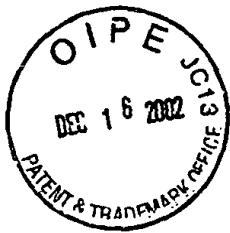
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<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
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<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form PTO-1449; References AA through AD and CA through CV; Certificate of Mailing; Return Receipt Postcard.
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<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	The Commissioner is authorized to charge fee deficiencies to the NIXON PEABODY LLP deposit account 50-0850.	

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	David S. Resnick (Reg.No. 34,235) NIXON PEABODY LLP, 101 Federal Street, Boston, MA 02110
Signature	
Date	12/12/02

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